

### REMARKS

This is a full and timely response to the final Official Action mailed **March 12, 2009** (the “Office Action” or “Action”). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

#### Claim Status:

Claims 2-4, 6 and 12-27 were cancelled previously without prejudice or disclaimer. By the forgoing amendment, claims 1 and 28 have been amended. No claims are added or cancelled by the present paper. Thus, claims 1, 5, 7-11 and 28-34 are currently pending for further action.

#### Claim Objections:

Claims 1 and 28 were objected to by the recent Office Action due to a typographical error, i.e., a misspelling of “demultiplexer.” Accordingly, this error has been corrected in the present paper.

This amendment does not and is not intended to change or narrow the scope of the claims. Following entry of this amendment, the objection to claims 1 and 28 can be reconsidered and withdrawn.

#### Prior Art:

Claim 1, 5, 7-11 and 28-34 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Applicant’s Fig. 1 (“Allegedly Admitted Prior Art”) and U.S. Patent No. 6,483,986 to Krapf (“Krapf”). For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 1:

Claim 1 now recites:

A television signal processing and recording system for handling both digital and analog video signals, said system comprising:

an analog signal path comprising an analog tuner, a video decoder for converting an analog signal to a digital signal, and an encoder for compressing said digital signal output by said video decoder; and

a digital signal path comprising a digital tuner and a demultiplexer;

*a connection for routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer;*

wherein said demultiplexer outputs a demultiplexed signal to either a decoder with output to a display device or a digital data storage device.

(Emphasis added).

It should be noted that claim 1 recites both an analog and digital signal path and a demultiplexer that is part of a digital signal path but also has a connection to the encoder of the analog signal path. This subject matter is entirely outside the scope and content of the cited prior art.

The Action concedes that the AAPA does not teach or suggest the claimed connection between an analog signal path and a demultiplexer in a digital signal path. (Action, p. 3).

However, the Action argues that Krapf teaches such subject matter. Specifically, the Action points to “a connection (i.e., the connection between the encoder 84 and stream controller 86) for routing said compressed digital signal from said encoder [84] of said analog signal path to said demultiplexer [86].” (Action, p. 4). Applicant respectfully disagrees.

In the first place, Krapf does not teach or suggest separate analog and digital signal paths as claimed. Krapf only teaches a single signal path (Fig. 3), in which an analog signal is digitized for possible storage on a hard drive (8, Fig. 3) and the insertion of on-screen display elements (OSD 90, Fig. 3) before being returned to analog format by video encoder (92) for output to a television set. (Krapf, col. 8, lines 2-4). Consequently, because Krapf does not teach or suggest the two separate analog and digital signal paths, Krapf cannot readily suggest

the connection between two such signal paths that is recited in claim 1 and admittedly absent from the AAPA.

More importantly, Krapf does not teach or suggest the claimed demultiplexer and, therefore, cannot teach or suggest the claimed “connection for routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer.” (Claim 1). The Action attempts to equate Krapf’s stream controller 86 with the claimed demultiplexer. (Action, p. 4). However, there is no reasonable basis for doing so.

Krapf never describes the stream controller 86 as being or performing the functions of a demultiplexer. Rather, Krapf describes the stream controller as follows. “The stream controller 86 generally provides access to the hard disk driver 8 for storage and retrieval of MPEG content.” (Krapf, col. 7, lines 56-60). Thus, the stream controller (86) is merely a hard drive interface and controller.

In the field of digital video, the term “multiplexer” is a recognized term of art that refers specifically to a device that separates different digital services that are multiplexed into single signal, for example, a DOCSIS data stream and digital video data stream. In contrast, there is absolutely no reason whatsoever to conclude, as does the Office Action, that the stream controller (86) of Krapf is somehow a demultiplexer. Such a conclusion would be clearly unreasonable to one skilled in the art.

The stream controller (86) does not even split the incoming signal. There is no teaching or suggestion in Krapf that the stream controller (86) outputs a signal to both the HDD (6) and the Decoder (88) at the same time. To the contrary, Krapf makes clear that, based on user selection of an “alternative subject matter,” the stream controller routes the incoming signal to the HDD (6) for later viewing. Thus, the stream controller (86) is merely a router. It does not split and certainly does not demultiplex the incoming signal.

Consequently, it is utterly unreasonable to attempt to refer to the stream controller (86) taught by Krapf as a demultiplexer.

Therefore, Krapf clearly does not teach or suggest a demultiplexer in a digital signal path and, therefore, cannot reasonably teach or suggest the claimed “connection for routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer,” even when considered in combination with the AAPA.

The Supreme Court recently addressed the issue of obviousness in *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007). The Court stated that the *Graham v. John Deere Co. of Kansas City*, 383, U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham* to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by the AAPA and Krapf, did not include the claimed subject matter, particularly “a connection for routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer; wherein said demultiplexer outputs a demultiplexed signal to either a decoder with output to a display device or a digital data storage device.”

The differences between the cited prior art and the claimed subject matter are significant because the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 1 and its respective dependent claims under 35 U.S.C. § 103 and *Graham*.

Claim 28:

Claim 28 recites:

A method for handling both digital and analog video signals, said method comprising:

processing analog signals, when input, in an analog signal path comprising an analog tuner, a video decoder for converting an analog signal to a digital signal, and an encoder for compressing said digital signal output by said video decoder;

processing digital signals, when input, in a digital signal path comprising a digital tuner and a demultiplexer;

*routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer; and,*

with said demultiplexer, selectively outputting a signal to either a decoder with output to a display device or a digital data storage device.

(Emphasis added).

As demonstrated above, the AAPA and Krapf do not, taken together, teach or suggest a method including “routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer.” Neither of the references teaches or suggests a connection between an encoder in an analog signal path and a demultiplexer in a digital signal path. Consequently, the combination of references does not teach or suggest the claimed “routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer.”

Again, under the analysis required by *Graham* to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art.

In the present case, the scope and content of the prior art, as evidenced by the AAPA and Krapf, did not include the claimed subject matter, particularly “a connection for routing said compressed digital signal from said encoder of said analog signal path to said demultiplexer; wherein said demultiplexer outputs a demultiplexed signal to either a decoder with output to a display device or a digital data storage device.”

The differences between the cited prior art and the claimed subject matter are significant because the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 28 and its respective dependent claims under 35 U.S.C. § 103 and *Graham*

37 C.F.R. § 1.116:

Entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendment makes only those changes necessary to place the application in better condition for appeal by addressing typographical errors indicated by the Examiner. The amendment does not raise new issues requiring further search or consideration. Therefore, entry of the present amendment is proper under 37 C.F.R. § 1.116 and is hereby requested.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any

claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner may seek to rely on Official Notice, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

DATE: May 8, 2009

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